

RESPONSE

This is a response to the Office Action dated January 16, 2008. Claims 51-55, 57-66, 68, 70-88, 90-98 and 101-111 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 51-55, 57-66, 68, 70-88, 90-98, 102, 104-107 and 109-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. 2003/0046161 (“Kamangar”), in view of U.S. Pub. 2004/0143569 (“Gross”), and further in view of U.S. Pub. 2003/0149938 (“McElfresh”). Claims 64, 70 and 80 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar, in view of Gross, in further view of McElfresh, and further in view of U.S. Pat. No. 6,714,975 (“Aggarwal”). Claims 71 and 81 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Gross, in further view of McElfresh and Aggarwal, and further in view of U.S. Pub. 2004/0186776 (“Llach”). Claims 101, 103, and 108 were objected to as being dependent upon a rejected base claim. Lastly, Applicants respectfully request that the Office confirm the status of dependent claims 112-114, which were not addressed by the Office Action. Applicants respectfully submit that the Office’s failure to acknowledge claims 112-114 precludes the finality of a next Office action rejecting those claims, because such a rejection will not have been necessitated by either a claim amendment or based on information from an information disclosure statement. (See MPEP § 706.07(a)).

The rejections and objections from the Office Action of January 16, 2008 are discussed below. No new matter has been added. Claims 90, 101, and 103 have been amended for clarity. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 112, 1st Paragraph

Claims 51-55, 57-66, 68, 70-88, 90-98, and 101-111 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that “[t]he claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Office Action of January 16, 2008, p. 3. The Office Action further states that the original Specification does not mention “at least one page component comprising a non-advertising

content,” as claimed in independent claims 51, 77, and 90. Office Action of January 16, 2008, p. 3. Applicants respectfully disagree and submit that the specification describes several instances of “page components comprising a non-advertising content.”

The specification states, “the page contains a number of different types of components, including content ... and ads.” Specification, ¶34. Applicants submit that content refers to non-advertising content, while ads refer to non-advertising content. Furthermore the specification states, “content include articles (e.g., news articles), images (e.g., maps), tables (e.g., TV listings), charts (e.g., stock analysis), multimedia (e.g., video clips), and interactive scripts (e.g., games) ads include external ads (i.e., ads for third parties), house ads (i.e., ads for Yahoo!), performance ads, and sponsored listings.” Specification, ¶34. Applicants further submit that news articles, maps, TV listings, stock analyses, etc., are examples of non-advertising content.

Accordingly, Applicants submit that the written description contains sufficient detail relating to the “at least one page component comprising a non-advertising content” (Office Action of January 16, 2008, p. 3), as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. *See, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. Thus, Applicants respectfully request that the Examiner withdraw this rejection of claims 51-55, 57-66, 68, 70-88, 90-98, and 101-111.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

A. Claims 51-55, 57-66, 68, 70-88, 90-98, 102, 104-107 and 109-11

Claims 51-55, 57-66, 68, 70-88, 90-98, 102, 104-107 and 109-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Gross, and in further view of McElfresh.

Kamangar relates to “a more effective advertising system which orders ads an [sic] a manner that maximizes both their relevance and their economic values...by ad price information and ad performance information.” Kamangar, ¶12. Content, links and search results can not be valued based on ad price information nor ad performance information, thus, Kamangar does not disclose any method for valuing non-advertising content, links, or search results. Kamangar teaches that “a potential benefit ... is that the search results 614 are maintained as distinct from the ads 618,” thus the search results are not included in the ad valuing/selecting process.

Kamangar, ¶51. The Office Action acknowledges that Kamangar fails to expressly disclose “at least one different page component comprising non-advertising content.” Office Action of January 16, 2008, p. 7.

Kamangar further teaches that “an ad consumer 130 is a general content server which receives requests for content … and retrieves the requested content in response.” Kamangar, ¶25. Kamangar does not disclose any system for valuing non-advertising content, or selecting non-advertising content based on a value of the content; in Kamangar the content is merely retrieved when it is requested. Accordingly the content selected in Kamangar is not “determined by an optimization of an actual page value of the web page,” the content does not have “a nominal value,” and the content does not have an actual value based on “based on a nominal value of the page component and an effectiveness of the page component on the web page, wherein the effectiveness of the page component is based on a clutter of the web page” as claimed in independent claims 51, 77, and 90. Kamangar does not disclose a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed in independent claims 51, 77, and 90.

Gross relates to a system for “searching, index, and presenting information.” Gross, ¶30. Gross discloses scoring “the relevancy of each found document or file.” Gross, ¶82. The scores of the documents of Gross are based on the relevancy of the documents, and have nothing to do with the placement of the documents on a page. Thus, the scores of the documents in Gross are not “determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page, wherein the effectiveness of the page component is based on a clutter of the web page” as claimed in independent claims 51, 77, and 90. Furthermore Gross does not disclose a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed in independent claims 51, 77, and 90.

McElfresh relates to a system for “optimizing placement of ads on a webpage.” McElfresh discloses “[a] generalized content block 42 is shown in the right-center of the page 40” and “[i]n addition, the peripheral blocks for placement of ads, or topic tiles, are arranged in order to maximize revenue generation for the webpage,” thus the content is not included in the

arrangement to maximize revenue generation. McElfresh, ¶33. McElfresh does not disclose a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed in independent claims 51, 77, and 90. Furthermore, McElfresh does not teach a clutter of a web page. Accordingly the content selected in Kamangar is not does not have an actual value “determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page, wherein the effectiveness of the page component is based on a clutter of the web page” as claimed in independent claims 51, 77, and 90.

Thus, Kamangar, Gross, and McElfresh fail to disclose a clutter of a page, and an “actual value of each respective page component placed on the web page ... determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page, wherein the effectiveness of the page component is based on a clutter of the web page,” “at least one page component comprising an advertisement and at least one page component comprising a non-advertising content,” as claimed in independent claims 51, 77, and 90. Furthermore, Kamangar, Gross, and McElfresh fail to disclose a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed in independent claims 51, 77, and 90.

Applicants respectfully submit that independent claims 51, 77, and 90, and all claims that depend thereon, are patentable over Kamangar in view of Gross, further in view of McElfresh, because Kamangar, Gross, and McElfresh, alone or in combination, fail to disclose all of the elements of independent claims 51, 77 and 90.

B. Claims 64, 70, and 80

Dependent claims 64, 70, and 80 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Gross, in further view of McElfresh, and in further view of Aggarwal. As stated above, Kamangar, Gross, and, McElfresh fail to teach a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed. Furthermore, Kamangar, Gross, and McElfresh fail to teach a clutter of a page, and an “actual value of each respective page

component placed on the web page ... determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page, wherein the effectiveness of the page component is based on a clutter of the web page,” “at least one page component comprising an advertisement and at least one page component comprising a non-advertising content,” as claimed in independent claim 51, 77 and 90.

Aggarwal relates to “a method for placing advertisements [sic] web pages.” Aggarwal, Col. 2, line 51. Aggarwal discloses that “a primary object of the present invention is to provide a method for dynamically assigning advertisements to appropriate slots on appropriate web pages.” Aggarwal, Col. 2, ll. 33-35. Aggarwal does not teach a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed in independent claims 51, 77, and 90. Furthermore, Aggarwal does not teach an “actual value of each respective page component placed on the web page ... determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page,” “at least one page component comprising an advertisement and at least one page component comprising a non-advertising content,” as claimed in independent claims 51, 77, and 90. Accordingly, Applicants submit that claims 64, 70, and 80 are allowable over Kamangar, in view of Gross, in further view of McElfresh, and in further view of Aggarwal, because Kamangar, Gross, McElfresh, and Aggarwal, alone or in combination, do not disclose all the elements of the independent claims from which they depend.

C. Claims 71 and 81

Dependent claims 71 and 81 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kamangar, in view of Gross, in further view of McElfresh and Aggarwal, and further in view of Llach. As stated above, Kamangar, Gross, McElfresh and Aggarwal fail to disclose a system that selects “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed. Furthermore, Kamangar, Gross, McElfresh and Aggarwal fail to teach an “actual value of each respective page component placed on the web page ... determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page,” “at least one page component comprising an advertisement and at least one page component comprising a non-

advertising content.” Llach relates to “a system and method for generating and selecting targeted advertising using price metrics.” Llach, ¶2. Llach discloses that “[t]he targeted advertisement 110 is then selected or generated, embedded within the Web page 100’, transmitted to the user’s system, and displayed on the user’s system along with the results of the user’s request to the search engine, a list of Web sites,” indicating that search results are not included in the advertisement selection. Llach does not teach a system that “at least one page component comprising an advertisement” and “at least one page component comprising a non-advertising content,” **based on an actual value** of the web page, advertisement and the non-advertising content, as claimed in independent claims 51, 77, and 90. Furthermore, Llach does not teach an “actual value of each respective page component placed on the web page … determined by a nominal value of the respective page component and an effectiveness of the respective page component on the web page,” “at least one page component comprising an advertisement and at least one page component comprising a non-advertising content,” as claimed in independent claims 51, 77, and 90. Applicants submit claims 71 and 81 are allowable because Kamangar, Gross, McElfresh, Aggarwal and Llach, alone or in combination, fail to disclose all of the elements of the independent claims from which they depend.

The Applicants respectfully submit that the references cited by the Examiner, Kamangar, McElfresh, Aggarwal and Llach, relate to systems for valuing advertisements, such as through ad price information and ad performance information, not based on the clutter of the page. Gross relates to scoring documents results based on the relevancy of the documents, not based on the clutter of the page. None of the references cited by the Examiner relate to systems for building web pages based on valuing non-advertising page components, such as non-advertising content, in addition to advertisements, based on the clutter of the web page as claimed in independent claims 51, 77, and 90. Thus, Applicants submit that the independent claims 51, 77, and 90, and all claims which depend thereon, are allowable over Kamangar, Gross, McElfresh, Aggarwal, and Llach, alone or in combination, because none of the references disclose all of the elements of the independent claims.

III. ALLOWABLE CLAIMS

Claims 101, 103, and 108 were objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's indication that claim 108 would be allowable. Applicants have amended claims 101, and 103 for clarity. The amended claims disclose computing the clutter of the web page using a mathematical model incorporating the areas occupied by the page components on the web page. Kamangar, Gross, McElfresh, Aggarwal, and Llach fail to disclose computing clutter of the web page using a mathematical model incorporating the areas occupied by the page components on the page. Accordingly, Applicants submit that amended claims 101 and 103 are allowable over Kamangar, Gross, McElfresh, Aggarwal, and Llach, alone or in combination, because none of the references disclose all of the elements of amended claims 101 and 103. However, as dependent claims 101, 103 and 108 depend from independent claims 51, 77 and 90, they should be allowed for the reasons set forth above for the independent claims. Applicants therefore requests that the Examiner withdraw this objection to these claims.

CONCLUSION

Each of the rejections in the Office Action dated January 16, 2008 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

April 16, 2008

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